

ESTTA Tracking number: **ESTTA69270**Filing date: **03/03/2006**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Disney Enterprises, Inc
Granted to Date of previous extension	03/05/2006
Address	500 South Buena Vista Street Burbank, CA 21521 UNITED STATES
Attorney information	David M. Kelly FINNEGAN HENDERSON FARABOW GARRETT 901 New York Avenue, NW Washington, DC 20001-4413 UNITED STATES docketing@finnegan.com, linda.mcleod@finnegan.com, judy.valusek@finnegan.com, david.kelly@finnegan.com Phone:202-408-4000

**Applicant Information**

Application No	78541146	Publication date	09/06/2005
Opposition Filing Date	03/03/2006	Opposition Period Ends	03/05/2006
Applicant	ZoneChefs, L.L.C. 8608 Foster Avenue Brooklyn, NY 11236 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 029. All goods and services in the class are opposed, namely: Prepared Entrees, Side Dishes and Meals consisting of primarily meat, poultry or vegetables	
Class 030. All goods and services in the class are opposed, namely: Prepared Entrees, Side Dishes and Meals consisting primarily of rice and pasta, baked goods consisting of cakes, cookies and muffins	
Related Proceedings	78598426
Attachments	00012886.PDF ( 3 pages )
Signature	/David M. Kelly/
Name	David M. Kelly
Date	03/03/2006



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

DISNEY ENTERPRISES, INC.,	)	
	)	Opposition No. _____
Opposer,	)	
	)	
v.	)	Mark: FROZONE
	)	Serial No.: 78/541,146
ZONECHEFS, L.L.C.,	)	Filed: January 3, 2005
	)	
Applicant.	)	
	)	
	)	
	)	

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**NOTICE OF OPPOSITION**

Opposer, Disney Enterprises, Inc. ("Opposer"), a corporation of the State of Delaware, having a principal place of business at 500 South Buena Vista Street, Burbank, California, 91521, believes that it is being damaged, and will be damaged, by the registration of the mark FROZONE shown in Application Serial No. 78/541,146, and hereby opposes the same. As grounds for opposition, Opposer alleges that:

**Opposer and its FROZONE Mark**

1. Opposer, Disney Enterprises, Inc., is a corporation of the State of Delaware, having a principal place of business at 500 South Buena Vista Street, Burbank, California, 91521.
2. Opposer, through its related companies and licensees, is one of the world's leading producers and providers of entertainment, films, music, and consumer products.
3. Since at least as early as November 2004, Opposer, through its predecessors, related companies, and licensees, has used the FROZONE name and mark in commerce in connection with entertainment services and films. The FROZONE

name and mark has been used in the film entitled “The Incredibles” as the name of a character. In addition, Opposer has used, or has licensed others to use, the FROZONE name and mark in connection with a variety of collateral goods, including but not limited to toys, clothing, DVD’s, videos, games, printed materials, and paper products, including toys as part of McDonald’s Happy Meals<sup>®</sup>. Opposer also has a long history of licensing the names of its films and film characters for a variety of food products.

4. Through its use of the FROZONE name and mark, and substantial advertising and promotion, Opposer has developed valuable goodwill in its FROZONE name and mark, and the mark has become famous.

#### **Applicant and its FROZONE Application**

5. On information and belief, Applicant ZoneChefs, LLC (“Applicant”), is a limited liability corporation organized in the State of New York with an address of 8608 Foster Avenue, Brooklyn, New York 11236.

6. On information and belief, Applicant is the current owner of intent-to-use Application Serial No. 78/541,146, filed on January 3, 2005, for the mark FROZONE for “prepared entrees, side dishes and meals consisting of primarily meat, poultry or vegetables” in International Class 29 and “prepared entrees, side dishes and meals consisting primarily of rice and pasta, baked goods consisting of cakes, cookies and muffins” in International Class 30.

#### **Likelihood of Confusion, 15 U.S.C. § 1052(d)**

7. Opposer repeats and realleges each and every allegation set forth in Paragraphs 1 through 6.

8. Opposer has used its FROZONE name and mark in commerce prior to the filing date of the subject Application Serial No. 78/541,146, and any date of first use that may be alleged by Applicant.

9. Applicant seeks to register the mark FROZONE for goods that are closely related to the goods and services of Opposer.

10. Applicant's FROZONE mark so resembles Opposer's prior used FROZONE name and mark as to be likely, when used in connection with Applicant's goods, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes that it will be damaged by the registration of the mark shown in Application Serial No. 78/541,146, and requests that the opposition be sustained, and that registration to Applicant be refused.

The \$300.00 filing fee has been submitted electronically. Any deficiency in the fee should be charged to Deposit Account No. 06-0916.

Respectfully Submitted,

Dated: March 3, 2006

By: \_\_\_\_\_



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